

Commissioners:
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DIVISION OF LEGAL SERVICES
NOREEN S. DAVIS
DIRECTOR
(850) 413-6199

Public Service Commission

October 12, 2000

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RECORDS AND REPORTING

Kathryn G.W. Cowdery, Esquire
Ruden, McClosky, Smith, Schuster & Russell, P.A.
215 S. Monroe Street
Tallahassee, Florida 32301

Re: Docket No. 000277-WS - Application for transfer of facilities and Certificates Nos. 353-W and 309-S in Lee County from MHC Systems, Inc. d/b/a FFEC-Six to North Fort Myers Utility, Inc., holder of Certificate No. 247-S; amendment of Certificate No. 247-S; and cancellation of Certificate No. 309-S.

Dear Ms. Cowdery:

As you are aware, on Tuesday, October 24, 2000, at 10:00 a.m., in Tallahassee, an issue identification meeting has been scheduled. As a party, please be prepared to identify issues you believe to be relevant to this case. In order to facilitate the discussion, staff will provide all the parties with a list of our preliminary issues prior to the meeting. In addition, staff would like to address the subject of mediation again because we believe that there is a strong possibility that this matter may be resolved through mediation. Mediation would be a less costly way to resolve this dispute, instead of proceeding to hearing. We encourage you to consider mediation and to raise any questions or concerns you may have with regards to mediation at the meeting.

Pursuant to Section 120.573, Florida Statutes, state agencies have been charged with the responsibility of promoting mediation of administrative disputes consistent with the provisions contained therein. Mediation is an informal dispute resolution process in which a neutral third party, the mediator, helps the disputing parties reach an agreement upon the disputed matter. The mediator has no power to impose a decision on the parties. Mediation is a desirable alternative to an administrative hearing in that it can be less expensive, less time-consuming, and allows the parties themselves to negotiate settlement of disputed issues.

If the parties agree to proceed to mediation, staff will draft and submit for your approval an agreement to mediate. The agreement will include provisions for mediator selection, the allocation of any costs and fees associated with the mediation, and the mediating parties' understanding regarding the confidentiality of discussions and documents introduced during mediation, as well as

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the participation by staff in the mediation process. Pursuant to Section 120.573, Florida Statutes, the mediation will conclude within 60 days of the agreement unless otherwise agreed upon by the parties. If mediation results in settlement of the administrative dispute, staff will present the settlement to the Commission for consideration and will recommend appropriate action consistent with the agreement to mediate. If mediation terminates without settlement of the dispute, the Commission will notify the parties in writing that the administrative hearing process under Sections 120.569 and 120.57, Florida Statutes, will resume.

If you have any questions, please feel free to contact me at (850) 413-6185. Thank you for your attention to this matter.

Sincerely,



D. Tyler Van Leuven
Staff Attorney

DTV/dm

cc: Division of Legal Services (Gervasi)
Division of Regulatory Oversight (Johnson, Redemann)
Martin S. Friedman, Esquire
Mr. Alexander William Varga

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